APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,566	03/06/2001	Robert Olan Keith JR.	ABREAU-00107	4072

28960	7590	01/10/2005

HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER
NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-32</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendments to claims 1 – 32 are acknowledged. Currently, claims 1 – 32 are

pending.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

3.   Claims 1 – 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

In independent claims 1, 9,17, 25,21, and 32, Applicant claims " an external application different

than the research system accessing one or more nodes within the directory tree structure and

obtaining data from the one or more nodes by utilizing and applications programming interface

associated with the research system". The Examiner is confused since the Examiner is not sure

what is the different between "an external application" and the research system. How these two

applications different? In format? Data type? Or location?

In the interest of compact prosecution, it is assumed that the external application is remote from

the research system.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1 – 7, 9 – 15, 17 – 23, 25 – 29, and 31 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Witek et al (U.S. 6,253,188) in view of Doan et al (U.S. 6,421,661).

♦ As per claim 1, 9, 17, 25, 31,

Witek teaches a method of accessing information in a searchable database comprising:

- "The searchable database is formatted in a directory tree structure" See Fig. 4, col. 11,

  lines 20 – 25, col. 18, lines 1 – 32.

- "The directory tree structure includes nodes ... branches" See fig. 4. Each category

  corresponds to a node. All nodes are linked together.

- "Categorizing each item of data by a navigation path through the directory tree structure

  and by one or more parameters" Witek teaches that: "Web sites and associated pages are

  prepared with HTML and include "links" to other locations and resources on the Web,

  the links being the features which enables a user, as noted, to "navigate" from one point

  or information resource to another, thereby, providing the Web with its dynamic

  character (col. 23, lines 11 – 22.) Therefore, the link corresponds to the path that is used

  to access to the resource. Witek discloses a method to category documents by identifying

  the parameters and associated values (col. 50, lines 56 – 67). Based on these values, the

  document is assigned to a category, and created link to the document.

- " Each parameter is set with a corresponding value associated with the data item thereby

  forming a set parameter" see Fig. 3, col. 15, lines 25 – 26, col. 51, lines 1 – 11.

- " An external application different than the research system accessing one or more

  nodes... and obtaining data from the one or more node by utilizing an application

programming interface associated with the research system" See Fig. 2, elements 22 - 24,

col. 21, lines 36 – col. 22, lines 14. An "application programming interface"

corresponding to the Service provider 24.

Witek does not clearly disclose a query language string which is a command string written

according to a query language.

However, Doan, on the other hand, discloses a method for accessing a hierarchical database by a

query string (col. 6, lines 56 - 65). This query string also is a command string that used to

retrieved data from the database (See Fig. 5, col. 14, lines 61 – 67, col. 16, lines 11 – 15).

It would have been obvious to one with ordinary skill in the art at the time the invention was

made to apply the teaching of Doan into the invention of Witek because the combination of

reduce the translation between data type in the database and reduce the searching time by

applying directly the value of data into the database.

♦ As per claim 2, 10, 18, 26, the combination of Witek and Doan disclose:

- " The applications programming interface accesses the one or more nodes… using a

    query string defining a navigation path" The query includes keywords that defined the

    navigation path. Users access the directory by a query (See Fig. 10, Witek); therefore the

    navigation path is defined by a query language string.

♦ As per claim 3, 11, 19, 27, the combination of Witek and Doan disclose:

- "Links to other nodes within the directory tree structure, links to web sites external to the

    electronic system" See Fig. 8 – 10, col. 23, lines 44 – 48, col. 24, lines 10 – 16 of Witek.

♦ As per claim 4, 12, 20, 28, the combination of Witek and Doan disclose:

- "The searchable database is distributed into more than one physical location" See Fig. 1, element 20, col. 9, lines 53 – col. 10, lines 5, col. 25, lines 37 – 44 of Witek.

◆ As per claim 5 - 7, 13 – 15, 21 – 23, 29, the combination of Witek and Doan disclose:

- "Accessing one or more nodes is performed by a server" See Fig. 1, 5A, col. 25, lines 13 – 33 of Witek.

- "Establishing an Internet connection with the server" See Fig. 5a, element 14, 24, col. 21, lines 15 – 20 of Witek.

6.   Claims 8, 16, 24, 30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witek et al (U.S. 6,253,188) in view of Doan et al (U.S. 6,421,661) as applied to claims above, and further in view of Botto et al (U.S. 5,604,772).

◆ As per claim 8, 16, 24, 30, 32,

- "Utilizing a search module, further wherein the search module includes a keyword search, …. parametric search" " A dichotomous key search" See Fig. 3, element 70, col. 16, lines 27 – 50, Fig. 10, element 144 – 146. " A parametric search" See Fig. 10, elements 154, 158, 160, 142, col. 30, lines 10 – 29.

The combination of Witek and Doan fail to disclose the dichotomous key search. However, this method search is a well known in the art. Botto provides an example of it.

Botto teaches that a dichotomous key search is used to search for data in the database 112, wherein the database is a hierarchical database (See Fig. 5, col. 5, lines 26 – 29).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Botto into the invention of Witek/Doan because the combination

would reduce the memory access when using binary search, and providing user more search

methodologies.

Response to Arguments

7.   Applicant's arguments with respect to claims 1 - 32 have been considered but are moot in

view of the new ground(s) of rejection.
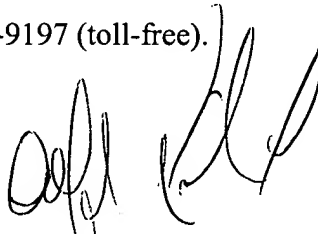
Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272 - 4024.

The examiner can normally be reached on Monday-Friday.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Safet Metjahic can be reached on (571) 272 - 4023. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

        Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

Art Unit 2161

ALFORD KINDRED
PRIMARY EXAMINER